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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 09/805,417 | 03/13/2001 | Arlyn Asch | EHELP.002A | 2141 |
| 27189 | 7590 | 03/01/2005 | EXAMINER | |
| PROCOPIO, CORY, HARGREAVES & SAVITCH LLP | | | LEROUX, ETIENNE PIERRE | |
| 530 B STREET | | | ART UNIT | PAPER NUMBER |
| SUITE 2100 | | | | |
| SAN DIEGO, CA 92101 | | | 2161 | |

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/805,417 | ASCH ET AL. |
| | Examiner Etienne P LeRoux | Art Unit 2161 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 and 16-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Claim Status:

Claims 1-14 and 16-22 are pending, claim 15 having been cancelled. Claims 1-14 and 16-22 are rejected as detailed below.

Claim Rejections - 35 USC § 103

Claims 1-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,754,326 issued to Kram et al (hereafter Kram) in view of US Pat No 6,615,240 issued to Sullivan et al (hereafter Sullivan).

Claims 1, 7, 11, 16 and 21:

Kram discloses receiving a request for electronic help from a user of a host computer [Fig 1, 22], wherein the host computer has a plurality of contexts [Kram, user is in the midst of a search and is viewing information pages, col 21, lines 52-60]

determining the context of the host computer at the time electronic help was requested [current information page, col 21, line 57]

incrementing a count of electronic help requests for the determined context, wherein the count comprises requests for a plurality of users [record of the frequency of help requests, col 22, lines 30-35]

compiling a report, wherein the report identifies the count of help requests for at least two discrete contexts of the host computer [worst trouble spots can be identified, col 22, lines 30-35]

Kram discloses the essential elements of the invention as noted above. Furthermore, as noted above, Kram discloses a user of a host computer but does not disclose a user of a website.

Sullivan discloses a user of a website [Fig 1, webserver 12, col 5, lines 5-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kram to include a user of a website as taught by Sullivan for the purpose of increasing the economic value of the invention by making it compatible with the Internet.

Claim 2:

Kram discloses modifying the discrete context of the website with the highest number of help requests to reduce the number of help requests received during the discrete context [col 22, lines 30-36].

Claim 3:

Kram discloses collecting usage data from the electronic help [frequency of help requests, col 22, line 31]

Claims 4 , 8, 12 and 18:

Kram discloses wherein said usage data includes a user browser type [terminal video screen display, col 21, lines 50-55]

Claims 5, 9, 13 and 19:

Kram discloses wherein said usage data includes a user network address [col 21, lines 17-18]

Claims 6, 10, 14 and 20:

Kram discloses wherein said usage data includes a requested help topic [touching Help key, col 21, line 54]

Claim 22:

Claim 22 recites notifying a developer of the software application of the identified entry filed where electronic help is most often requested. The above language is drawn to intended use and is not given patentable weight.

Response to Arguments

Applicant's arguments filed 1/14/2004, with respect to claims 1-4 and 16-21 have been considered but are moot in view of supra new ground(s) of rejection necessitated by applicant's amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272 4022. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Etienne LeRoux

2/16/2005



SAFET METJAHIC
ADVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100